

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
June 19, 2001

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:01 p.m., Tuesday, June 19, 2001, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and H. R. Ashe.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. Reverend Royce Horne, Heritage Free Will Baptist Church, gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Burgett led the Pledge of Allegiance.

HIGHWAY MATTERS

Mr. Quintin Elliott, Assistant Resident Engineer, Virginia Department of Transportation, (VDOT), appeared to discuss highway matters of interest to the Board of Supervisors.

Mrs. Noll thanked Mr. Elliott for supplying her with the ditch cleaning schedule.

Mr. Ashe reported the overpass at Hampton Highway and Route 17 was in the best shape it had been in 30 years. He received a request for a 'no left turn' sign to be located at the first entrance into Running Man coming west from Poquoson. He requested any additional input on the request from other residents who use that turn lane.

Mr. Zarembo requested that VDOT repair the large pothole on Royal Grant Drive.

Mr. Wiggins thanked Mr. Elliott for his cooperation in solving the problems on Hornsbyville Road where the ditches were caving in and the banks were steep on the sides. He stated they were doing a terrific job in that area.

Chairman Burgett reported that Yorkshire Drive had been repaved, and he expressed his appreciation to Mr. Elliott for adding it to the paving schedule.

PRESENTATIONS

Dr. Steven Staples, Superintendent of York County Schools, appeared before the Board to make a presentation on student capacity in schools. He discussed enrollment figures, building capacities, mobile classrooms, planned expansions, projected enrollments, and new residential developments that will affect enrollment numbers. He addressed three significant problems with school buildings ten years ago which were leaky roofs, large enrollment growths, and the

age of the buildings. He illustrated with slides the current buildings, construction progress, capacity, and mobile classrooms. He stated the School Board and the Board of Supervisors together made several agreements that govern solutions the School Board would implement and the County would fund.

CITIZENS COMMENT PERIOD

No one appeared to speak at this time.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. James Barnett, County Attorney, reported on a letter he sent out from the Virginia Association of Counties (VACO) regarding the Virginia General Assembly 2002 Session. The General Assembly has asked local governments that want to help formulate the legislative program to forward input by July 2.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. James O. McReynolds, County Administrator, reported the County had received nine Achievement Awards this year and that a formal presentation would be made at a later meeting. He reminded the Board of its work session on June 26, 2001, concerning drainage matters.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll reported on the Employee Picnic that the Board of Supervisors sponsors every year. She stated the picnic was a small token of appreciation for the work the employees do for the citizens of the County. She mentioned that the recent Citizen Survey showed that the citizens were very pleased with the County, and part of that was due to its employees. She reported the Army is celebrating its 226th birthday this year. She stated that traffic congestion in the United States now costs 78 billion dollars per year in wasted time and fuel, and Virginia should put more money and emphasis on transportation issues.

Mr. Ashe reminded citizens of his town meeting to be held on June 25, 2001, at Tabb High School at 7:00 p.m. He spoke of attending the Virginia Housing Coalition's Gala in celebration of 25 years of service. As Chairman of the Department of Housing & Community Development, he stated he was asked to speak on the topics of safe, sanitary, and affordable housing for the citizens of Virginia. He stated transportation was a major issue in the County and one of his goals is to work to improve Route 17. He spoke of the proposed increase on Route 17 to six lanes and stated he felt the widening in that area of Route 17 north of Route 105 was not necessary. He suggested widening Route 17 from Grafton to Victory Boulevard should be a higher priority.

Mr. Zaremba spoke on the current issue of whether or not York County marinas should be allowed to operate restaurants as an integral part of the marina and, if so, what performance standards should be set. He explained that the proposed zoning revision was a product of input from citizens, marina owners, staff, the Planning Commission and the Board of Supervisors.

He explained that the task before the Board was to set out definitive terms and standards for marina-related restaurants.

Mr. Wiggins mentioned a recent article concerning drainage and how the City of Newport News had spent \$100,000 to enlarge one of its outflow pipes. He reminded the Drainage Committee of its presentation on Tuesday, June 26th at 6:00 p.m., at the Board of Supervisors' work session, and noted the committee felt they had a solution to the drainage problems.

Chairman Burgett spoke about his and Mr. Ashe's attendance at Cary's Chapel Baptist Church to present to the congregation a Proclamation recognizing its 120th anniversary of ministry to York County citizens. He was pleased with the draft graffiti ordinance and efforts to clean up the graffiti in the County. He attended a Key Communicators meeting, which is a committee that meets quarterly with Dr. Staples and his staff to discuss issues within the schools. The subject of that particular meeting was security surrounding the Standards of Learning (SOL) tests. He mentioned attending the County employee picnic and reiterated Mrs. Noll's feelings that County employees are terrific. He stated that on Saturday, June 23, 2001, he would attend the anniversary celebration in Gloucester. He then asked for volunteers to work at the July 4th celebration. He noted he also attended the Hampton Roads Partnership meeting held in Portsmouth to discuss attracting a major league athletic team and technology research and development.

Meeting Recessed. At 7:55 p.m. Chairman Burgett declared a short recess.

Meeting Reconvened. At 8:02 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

RIGHT-OF-WAY AGREEMENT WITH VIRGINIA ELECTRIC AND POWER COMPANY

Mr. Barnett made a presentation on proposed Resolution R01-123 to authorize the execution of a right-of-way agreement conveying to Virginia Electric and Power Company an easement for the erection of a power pole at Fire Station No. 2.

Chairman Burgett called to order a public hearing on proposed Resolution R01-123 which was duly advertised as required by law and is entitled:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO EXECUTE A RIGHT OF WAY AGREEMENT CONVEYING TO VIR-
GINIA ELECTRIC AND POWER COMPANY AN EASEMENT FOR THE
ERECTION OF A POWER POLE

There being no one present who wished to speak concerning the subject Resolution, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R01-123 that reads:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO EXECUTE A RIGHT OF WAY AGREEMENT CONVEYING TO VIR-

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GINIA ELECTRIC AND POWER COMPANY AN EASEMENT FOR THE
ERECTION OF A POWER POLE

WHEREAS, in connection with a proposed improvement of Victory Boulevard, the Virginia Department of Transportation has requested the County to convey to Virginia Electric and Power Company a power pole easement on property owned by the County at the intersection of Victory Boulevard and Big Bethel Road; and

WHEREAS, this matter has been advertised for a public hearing, and following such public hearing, the Board has determined that the conveyance of the easement is in the public's best interest;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of June, 2001, that the County Administrator be, and is hereby authorized, for and on behalf of the Board, to execute an agreement to convey to Virginia Electric and Power Company a 300 square foot easement as described in the County Attorney's report to the Board dated June 5, 2001, any such easement or right of way agreement to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Ashe, Burgett
Nay: (0)

APPLICATION NO. ZT-56-01, YORK COUNTY BOARD OF SUPERVISORS

Mr. J. Mark Carter, Planning and Zoning Manager, made a presentation on proposed Ordinance 01-10(R) to amend the York County Code to revise the definition of the term "marina" and to establish certain performance standards for "eating facilities" associated with marinas. He explained the Board-sponsored application was referred to the Planning Commission and the Planning Commission held a public hearing in March on the text amendment. That particular version of the text amendment was referred to a ten-person committee made up of five citizens and four representatives of the marina community and one representative from the York County Business Association (YCBA). The committee met on four separate occasions in May and conducted some very extensive discussions and debates about the entire issue of restaurants or eating facilities at marinas. The result of the committee process was consensus on a few items but for the most part the members agreed to disagree. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Ordinance No. 01-10(R).

Chairman Burgett called to order a public hearing on Application No. ZT-56-01 which was duly advertised as required by law. Proposed Ordinance No. 01-10(R) is entitled:

AN ORDINANCE TO AMEND CHAPTER 24.1, ZONING, OF THE
YORK COUNTY CODE TO REVISE THE DEFINITION OF THE TERM
"MARINA" AND TO ESTABLISH CERTAIN PERFORMANCE STANDARDS FOR "EATING FACILITIES" ASSOCIATED WITH MARINAS

Mr. Patrick Pettitt, 201 Autumn Way, attorney for Barbara Higginbotham and Byrds by the Bay Marina, expressed support for the ordinance and asked that no changes be made to it. He

stated Ms. Higginbotham's marina had 21 wet slips, and she was trying to revitalize the marina and make it an asset to the community. She purchased the property with the expectation that she could conduct a full range of waterfront operations.

Ms. Myra McCain, 415 Sparrer Road, requested that the Board vote against the ordinance and stated that marine-oriented neighborhoods throughout the County have had no legal notice of the proposed zoning change. She felt the draft of the ordinance was vague and confusing. She asked that no change be made to the current ordinance. She reported feelings of bullying and intimidation and stated that she and another property owner had been sued on baseless grounds by Dare Marina.

Mr. John Matthews, 201 Anchor Drive, appeared to represent the York County Marine Trades Association and Dare Marina. He stated he felt the amendment provided protection to the business community and to the residential community. He spoke more specifically on smaller marinas and the conversion of existing buildings in those smaller marinas. He cited Aqua Marina as an example, and the requirement for a buffer as if it was a new property would be very difficult if not impossible to carry out without impacting the essence of the marina business.

Mr. Melvin Gendron, 823 Railway Road, stated the statement of intent of a WCI district is to provide opportunities for various types of activities oriented toward and requiring access to the water. He stated that under WCI there is no permitted use for a restaurant. He stated the Planning Commission changed the term 'eating facility' to 'restaurant.' He asked the Board to request the State Attorney General to render an official opinion on this issue.

Ms. Barbara Higginbotham, 300 Dandy Loop Road, owner of Byrds by the Bay Marina, stated the proposed zoning ordinance would limit the size of the restaurant she would be able to have. She felt a marina was to service the needs of boaters even if it meant servicing those needs after dark.

Mr. Sam Sparrer, 516 Sparrer Road, appeared to support the current zoning ordinance, in particular the WCI zoning that applies to marinas. He felt the current WCI zoning allows a marina to have an eating facility to accommodate the owners, the workers, and the people who have their boats at the marina. The current WCI zoning does not allow an eating facility open to the general public. He asked the Board to make no changes to the existing WCI zoning ordinance.

Mr. Jim Strong, 8 Rue DeGrasse, Poquoson, one of the owners of Aqua Marine, voiced his concerns regarding the screening and landscaping required for existing marinas. He stated if he had to plant a double row of leyland cypresses to protect his neighbor across the street, he would not be able to access one side of his property. He referred to a letter received from the County in 1999 stating that they would be allowed to continue the marine operation in the WCI zone. He asked for some options to accomplish the performance standards.

Ms. Nancy Nunn, 801 Railway Road, stated her opposition to the text amendment as it was written. She explained that the residents and the businesses located in the WCI zone did not ask for the text amendment. She stated the text amendment would not protect the rural residential neighborhoods, and it could prevent the small eating facilities that are allowed. She felt limiting the size of the facility was the best way to insure it is accessory to the marina's primary operations.

Mr. Earl Joyner, 1722 Back Creek Road, appeared to support restaurants at marinas and stated a full-service marina is one that has a restaurant. He asked the Board to support the restaurant operations at marinas and stated the Board's vote would show its support for what is best for the majority of the citizens of York County and its future. He felt that property owners in the WCI zone have a right to develop their property to the fullest potential.

Mr. J. D. Brewer, 831 Railway Road, spoke in opposition of the zoning change and stated the change did not go far enough to protect the quality of life. He asked each Board member to consider living next door to a 150-seat restaurant with a bar. He felt a more reasonable-sized restaurant would be appropriate.

Mr. Rusty Woods, 216 Timberline Loop, spoke in favor of the ordinance and requested he be able to access the restaurant at night since he is rock fisherman. He stated if the hours of operation are cut back, it is going to limit the access to the restaurant. He mentioned that every other marina in this area, with the exception of those in York County, had some sort of restaurant attached to it.

Mr. Ron Ward, 1401 Dare Road, spoke in support of restaurants at marinas, and felt restaurants were just as important to the marina as the boat slips. He stated he frequented a lot of marina restaurants in the area and encouraged the Board to give strong consideration to allowing restaurants at marinas.

Mr. Kerry Nunn, 801 Railway Road, stated he was not in favor of adding restaurants at marinas. He was concerned with pedestrian safety in the neighborhood and was opposed to reducing any of the standards in the proposal.

Mr. Sam Briegel, Belvin Lane, yard manager for Goodwin Island Marine, stated his support for the proposed ordinance. He asked the Board to consider the setback and barrier restrictions as pointed out by John Matthews.

Mr. Gary Giles, 111 Cheadle Point Road, stated items 5, 6, and 7 of the proposed ordinance adequately addressed his concerns regarding lighting. He suggested that a modification regarding outdoor lighting be moved to item (e) under Standards for a Marina so it would apply to all lighting at marina facilities and not just specifically for a restaurant. It would cover the high-intensity lights that are typically put on docks and piers to light up the walkways and the boats.

Chairman Burgett explained the Board was reviewing the entire County Zoning Ordinance, and lighting was one of the things they are considering.

Mr. Tim Smith, 810 Railway Road, wanted to make sure his quality of life was not lost in order to enhance someone else's quality of life, and he asked the Board to consider that before the ordinance was passed.

Mr. J. R. Bland Jr., 1122 Wormley Creek Drive, commented he had only heard mention of Chisman Creek; and if the Board approves the application, it would impact Wormley Creek in a different way. He stated Wormley Creek doesn't have the commercial traffic that Chisman Creek does. He felt his property value would decrease, and he asked the Board to vote no to the issue.

Mr. Cason Barco, 821 Railway Road, partner in Dare Marina, thanked everyone for the opportunity to participate in this process and stated he felt the suggestions that Mr. Pettitt and Mr. Matthews made were reasonable. He commended the Planning Commission for its efforts.

There being no one else present who wished to speak concerning the application, Chairman Burgett closed the public hearing.

Mr. Ashe stated the Planning and Zoning Manager had ruled that the restaurants were allowable under the present zoning. He noted he was concerned that the citizens adjacent to these marinas and restaurants are protected. He spoke regarding the fencing, shrubbery, and architectural issues, and he voiced his concerns over the residents living close to marinas and the need to have control of the hours of operation. He recommended the marina service cease and the restaurant close by 11:00 p.m.

Mrs. Noll stated a lot of thought and discussion had gone into the matter, and she supported some of Mr. Ashe's suggestions. She stated the word 'accessory' was added at the work session because she thought the restaurant was not to be the primary activity of a marina. She suggested the ordinance be changed to set a maximum of 25 square feet per seat in a marina restaurant rather than the 15 square feet as written. She noted she also supported the moving of the lighting requirement if the other Board members supported it also.

Mr. Wiggins stated he did not feel it was necessary to ask the Attorney General for an opinion. He noted he reached his decision based on the legalities involved. The main question was the definition of an eating facility, and all of the marinas in York County have been bought since the term 'eating establishment' was inserted in the ordinance and were purchased with the understanding that they could have a restaurant. He stated that stand-alone restaurants are not allowed in residential or WCI zones, but they are permitted at marinas; and marinas are permitted in WCI zones. He stated he felt the case would not hold up in a court of law if he were to vote against the restaurant.

Mr. Zaremba stated there were ambiguities in the existing ordinance relative to marinas, eating facilities, restaurants, and it is that ambiguity that precipitated the work on this issue over the last several months. He stated that no where in the zoning Ordinance is a restaurant allowed in WCI district, whether or not it was in connection with a marina.

Discussion ensued regarding eating facilities in the WCI zone.

Chairman Burgett stated that the current ordinance has been very adequately explained in that marinas could have eating facilities. The problem is that there was no definition of an eating facility; thus, an eating facility could be anything that one wanted it to be.

Mr. Wiggins asked for Mr. Ashe's input on the hours and his recommendations.

Mr. Ashe stated he would like the marina business to be cut off at 10:00 p.m. and the restaurant closed at 11:00.

Mr. Ashe then moved the adoption of proposed Ordinance R01-10(R-1).

Meeting Recessed. For clarification purposes, Chairman Burgett declared a short recess at 9:57 p.m. so that staff could confirm the wording changes to the ordinance.

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Meeting Reconvened. At 10:15 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. McReynolds reviewed the amendments made to the proposed ordinance. Proposed Ordinance No. 01-10(R-1) as moved by Mr. Ashe reads as follows:

AN ORDINANCE TO AMEND CHAPTER 24.1, ZONING, OF THE
YORK COUNTY CODE TO REVISE THE DEFINITION OF THE TERM
"MARINA" AND TO ESTABLISH CERTAIN PERFORMANCE STANDARDS FOR "EATING FACILITIES" ASSOCIATED WITH MARINAS

WHEREAS, the York County Board of Supervisors has sponsored Application No. ZT-56-01 to address ambiguities in the current Zoning Ordinance definition of the term "marina" and to consider various performance standards for "eating facilities" associated with marinas; and

WHEREAS, said application has been referred to the York County Planning Commission for review and consideration; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application in accordance with applicable procedure and has recommended approval of certain amendments; and

WHEREAS, the Board has conducted a public hearing and given careful consideration to the public comments and the recommendations of staff and the Planning Commission with respect to this application and the proposed amendments; and

WHEREAS, in the interest of good zoning practice and to provide appropriate guidance for the administration its zoning policies, the Board has determined that the proposed amendments are necessary;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 19th day of June, 2001, that the following amendments to Chapter 24.1, Zoning, of the York County Code be, and they are hereby, adopted:

Section 24.1-104 Definitions

Marina. A facility designed for docking, storing, servicing, berthing, fueling or repairing of primarily recreational boats and which may include accessory restaurant and retail facilities. Marinas may include in-water berths/slips which are covered or uncovered, dry berths/slips for boat storage on land, either indoors or outdoors, and provisions for transfer of boats to and from the water by means of ramps or mechanical equipment.

Section 24.1-462. Standards for marina, dock or boating facility (commercial)

- (a) Commercial marinas, docks and boating facilities shall be designed in accordance with the "Criteria for the Siting of Marinas or Community Facilities for

Boat Mooring” as prepared by the Virginia Marine Resources Commission, VR 450-01-0047.

- (b) All federal, state and local requirements for marina facilities shall be met and the necessary permits obtained prior to issuance of the zoning certificate for docks, piers or boat houses.
- (c) All requirements of the environmental management overlay district shall be addressed as part of any plan approval.
- (d) Restaurant facilities associated with commercial marinas shall be subject to the following requirements:
 - (1) The restaurant shall be designed and operated as an accessory component of the marina. Restaurants shall not be permitted in conjunction with any marina having less than twenty (20) in-water berths/slips capable of accommodating a boat of at least sixteen (16) feet in length. Unless a greater size is authorized by a Special Use Permit, the maximum capacity (both indoor and outdoor dining space) of any restaurant established pursuant to these provisions shall be four (4) seats for every one (1) in-water berth/slip, but in no case greater than a 150-seat capacity. The maximum floor area of the dining area (both indoor and outdoor seating areas) and shall not exceed 25 square feet for each allowable seat.
 - (2) The restaurant shall be located on the marina site and designed so as to be compatible in form, character, appearance and arrangement with adjacent properties. In order to prevent or minimize potential adverse impacts on such properties, including but not limited to noise, light and odor, the following site and building design standards shall be observed. For the purposes of the following performance standards, the term “adjacent” shall be deemed to include properties located across a body of water:
 - a) Every reasonable effort shall be made to orient the principal and service entrances to the restaurant away from adjacent residentially-zoned property. The minimum unobstructed distance (measured on a line-of-sight) between the principal and service entrances to the restaurant and any adjacent existing residential structure on residentially zoned property shall be 200 feet. However, if no other reasonable alternative exists, the principal and service entrances may be as close as 100 feet (measured on a line-of-sight) to such existing residential structure(s) on adjacent residentially-zoned property if buffered by appropriate landscaping and fencing. Appropriate landscaping shall consist of a row of leyland cypress spaced at 10 feet on centers, or an equivalent evergreen substitute as approved by the Zoning Administrator, and extending a sufficient linear distance to provide an effective screen between the two uses, and appropriate fencing shall be of a wooden board-on-board type extending the same distance as the landscaping and complying with the height limitations set out in this chapter. Buildings on the restaurant (marina) prop-

erty may be credited as obstructing the line-of-sight as long as they remain in place. In the event an existing building is determined to provide the line-of-sight obstruction, the above-noted separation distances shall not apply. Should such buildings be removed in the future, the marina operator shall be responsible for establishing a substitute buffer approved by the Zoning Administrator.

- b) Entrance and exit doors shall be kept closed at all times of operation to avoid noise impacts. The loading or unloading of any delivery truck associated with the restaurant operation shall not be permitted between the hours of 6:00 p.m. and 7:00 a.m.
 - c) Parking spaces likely to be used by restaurant patrons and employees shall be located so as to minimize impacts on adjacent residentially zoned property. Any such parking area located within 300 feet of a residential structure shall be screened from view by buildings, fencing, landscaping, or combinations thereof. The operator of the establishment shall be responsible to the greatest extent practicable for minimizing and eliminating loitering or congregations of individuals in the parking lot associated with the restaurant.
 - d) Every reasonable effort shall be made to orient mechanical equipment such as refrigeration units, HVAC systems, venting systems, or other systems or components that might cause offensive or objectionable noise or odor so that they face away from adjacent residentially zoned property. All mechanical equipment, regardless of its location, shall be concealed from view from adjacent residentially-zoned properties by appropriate landscaping or architectural treatments and shielded to deflect noise and odor away from such properties.
 - e) Garbage, refuse and recycling containers shall be screened from view by a fence, wall or landscaping. Enclosures for such containers shall be located as far away as practicable from any adjacent residential structure and the restaurant operator shall be responsible for controlling odors through scheduling of collection, deodorizers or other means, so as not to be offensive to adjacent residential property owners. Refuse trucks shall not be permitted to service the dumpsters between the hours of 6:00 p.m. and 7:00 a.m.
- (3) Any proposed outdoor dining areas shall be clearly depicted on the plans submitted with the application to establish the restaurant. Outdoor dining areas shall be located and designed so as to ensure the greatest degree of compatibility with adjacent residentially zoned properties and shall be buffered from potential sound emissions to such residential properties by buildings, architectural treatments, landscaping, or combinations thereof. Such buffering and other treatments shall be designed to ensure that sounds (conversations, music) emanating from

the outdoor dining area do not exceed the limits prescribed by Section 16-19 of the York County Code.

- (4) Patrons of the restaurant may be admitted only between the hours of 6:00 a.m. and 10:00 p.m. and serving of food and beverages shall cease, and the restaurant shall close, no later than 11:00 p.m.
- (5) The restaurant shall not include a specially-designed and dedicated dance floor nor shall live or recorded music be played (either indoors or outdoors) so as to exceed the limits prescribed by Section 16-19 of the York County Code.
- (6) No outdoor paging or public address systems shall be permitted in conjunction with the restaurant.
- (7) All outdoor lighting associated with the restaurant and including but not limited to, its appurtenant parking lots, walkways, and service areas shall be designed, installed and maintained to prevent unreasonable or objectionable glare onto adjacent properties, rights-of-way, and waterways. The lighting standards established by the Illuminating Engineering Society of North America (IESNA) shall be used to determine the appropriate lighting fixtures and luminaries for such uses.
- (8) The marina operator shall be responsible for ensuring that parking occurs only in designated off-street parking spaces and shall not allow marina/restaurant patrons to park in access drives, service drives, fire lanes or landscaped areas. The marina operator shall be responsible for installing / erecting appropriate curbing, bollards, fencing or similar measures needed to limit parking to the approved parking spaces on the site.
- (9) The application for approval of a new marina with a restaurant, or for the addition or expansion of a restaurant at an existing marina, shall be accompanied by a traffic impact study prepared in accordance with the standards established in article II, division 5, of this chapter. Such study shall be required for all restaurant proposals, regardless of their size. Such study shall be based on the traffic generation figures associated with the marina, using the current ITE trip generation figures, and also including the restaurant as an additive traffic generator but at a factor of 25% of the volumes that would be expected if the restaurant were a stand-alone facility. Approval of the restaurant at the size proposed shall be contingent on demonstration through the traffic analysis that the capacity of the road system serving the marina can accommodate the projected traffic and that there will be no excessive or adverse impact on residential streets nor a demonstrable safety hazard to vehicular or pedestrian traffic along the access routes. The findings and conclusions of the traffic analysis shall be subject to approval by the Virginia Department of Transportation.
- (10) The owner of any property desiring to establish a restaurant in conjunction with a marina but which does not propose compliance with the above-stated standards may request consideration of such alternate pro-

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posal by submitting an application for approval of a Special Use Permit. In reviewing such a request, the Board of Supervisors may modify and supplement the above-stated standards in such manner as it deems appropriate to the specific property and proposal.

Section 24.1-463. Standards for marina, dock or boating facility (private or club).

Add subsection (e) as follows:

- (e) Restaurant facilities associated with private or club marinas shall be subject to the requirements set forth in Section 24.1-462 for commercial marina facilities.

On roll call the vote was:

Yea: (4) Noll, Wiggins, Ashe, Zaremba
Nay: (1) Burgett

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, respectively.

On roll call the vote was:

Yea: (5) Wiggins, Ashe, Zaremba, Noll, Burgett
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 3. APPROVAL OF MINUTES

The meetings of the following meetings of the York County Board of Supervisors were approved:

May 15, 2001, Regular Meeting
May 22, 2001, Adjourned Meeting

Item No. 4. EMPLOYEE OF THE QUARTER: Resolution R01-122.

A RESOLUTION TO COMMEND HIDRENA E. FRANCES, DISPATCHER IN THE DEPARTMENT OF FIRE AND LIFE SAFETY, AS EMPLOYEE OF THE QUARTER

WHEREAS, Hidrena Frances has served as a Dispatcher within the County's Emergency Communications Center in the Department of Fire and Life Safety since March of 1986; and

WHEREAS, Ms. Frances conducts herself in a professional manner and is able to receive emergency calls for service and disseminate them in an efficient and timely manner with her greatest asset being her ability to perform multiple tasks simultaneously; and

WHEREAS, Ms. Frances's efforts have helped to limit personal injury through her knowledge of pre-arrival instructions and facilitate the timely arrest of suspects; and

WHEREAS, Ms. Frances has a thorough knowledge of the job and the layout of the County which has been beneficial when training new dispatchers and educating the community about 911; and

WHEREAS, Ms. Frances has earned the respect of her peers and has been an invaluable support to management in a training and acting supervisory capacity as well as in the record keeping of call statistics;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of June, 2001, that Hidrena E. Frances, Dispatcher, be and she is hereby, congratulated upon her selection as Employee of the Quarter for the quarter ending March 31, 2001.

Item No. 5. CHANGE ORDER FOR DARE AREA SANITARY SEWER AND WATER PROJECT: Resolution R01-102.

A RESOLUTION TO APPROVE THE PROCUREMENT OF ADDITIONAL ENGINEERING SERVICES FOR THE DARE AREA SANITARY SEWER AND WATER PROJECT

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving expenditures that exceed 10% of the original contract amount be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, that the cumulative amounts of the change orders have exceeded 10% of the original contract amount, and all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of June, 2001, that the County Administrator be, and hereby is, authorized to conclude procurement arrangements for the following:

	<u>AMOUNT</u>
Dare Area Sanitary Sewer and Water Project (AES Consulting Engineers)	\$ 22,000.00

Item No. 6. CHANGE ORDER FOR PENNIMAN ROAD WATER PROJECT: Resolution R01-100.

A RESOLUTION TO APPROVE THE PROCUREMENT OF ADDITIONAL ENGINEERING SERVICES FOR THE PENNIMAN ROAD WATER PROJECT

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WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving expenditure that exceeds 10% of the contract amount be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, that it involves the expenditure of more than 10% of the contract amount, and all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of June, 2001, that the County Administrator be, and hereby is, authorized to conclude procurement arrangements for the following:

	<u>AMOUNT</u>
Penniman Road Water Project (McKim and Creed P.C.)	\$31,620.00

Item No. 7. ENGINEERING CONTRACT FOR LIGHTFOOT WATER STORAGE TANK: Resolution R01-127.

A RESOLUTION TO APPROVE THE PROCUREMENT OF ENGINEERING SERVICES FOR THE LIGHTFOOT WATER TANK AND DISINFECTION SYSTEM PROJECT

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving an expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, that it involves the expenditure of more than \$30,000 and all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of June, 2001, that the County Administrator be, and hereby is, authorized to conclude procurement arrangements for the following:

	<u>AMOUNT</u>
Lightfoot Water Tank and Disinfection System Project (Nice Consulting, P.L.C.)	\$124,300

Item No. 8. ENGINEERING CONTRACT FOR SKIMINO HILLS SANITARY SEWER PROJECT: Resolution R01-125.

A RESOLUTION TO APPROVE THE PROCUREMENT OF ENGINEERING SERVICES FOR THE SKIMINO HILLS SANITARY SEWER PROJECT

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving an expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, that it involves the expenditure of more than \$30,000 and all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of June, 2001, that the County Administrator be, and hereby is, authorized to conclude procurement arrangements for the following:

	<u>AMOUNT</u>
Skimino Hills Sanitary Sewer Project (Draper Aden Associates)	\$459,800

Item No. 9. ENGINEERING CONTRACT FOR LODGE ROAD PUMP STATION: Resolution R01-126.

A RESOLUTION TO APPROVE THE PROCUREMENT OF ENGINEERING SERVICES FOR THE LODGE ROAD PUMP STATION PROJECT

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving an expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, that it involves the expenditure of more than \$30,000 and all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of June, 2001, that the County Administrator be, and hereby is, authorized to conclude procurement arrangements for the following:

	<u>AMOUNT</u>
Lodge Road Pump Station Project (URS Corporation)	\$185,697

Item No. 10. REQUEST FOR APPROVAL FOR TAX REFUND: Resolution R01-121.

A RESOLUTION TO AUTHORIZE A TAX REFUND TO TRAVAINI PUMPS USA, INC.

WHEREAS, York County Code § 21-7.3 requires approval from the Board of Supervisors for the payment of any refund of taxes, penalties and interest in excess of \$2,500.00; and

WHEREAS, Travaini Pumps USA, Inc. has made a proper request for a tax refund for taxes erroneously paid on personal property used in manufacturing; and

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WHEREAS, the Commissioner of the Revenue, the Treasurer, and the County Attorney have recommended that the request for a tax refund, with interest, be granted in the amount of \$10,315.02;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of June, 2001, that the Commissioner of the Revenue is authorized to refund to Travaini Pumps USA, Inc. erroneously paid personal property taxes in the amount of \$9,599.20 together with interest accrued thereon in the amount of \$715.82, for a total refund of \$10,315.02.

Item No. 11. RENTAL SUBSIDY PROGRAMS/ANNUAL FUNDING RENEWAL: Resolution R01-98.

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO TAKE ALL ACTIONS NECESSARY TO ACCEPT FUNDING AND CONTINUE TO IMPLEMENT RENTAL SUBSIDY PROGRAMS FUNDED THROUGH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY

WHEREAS, the Board of Supervisors has a long standing commitment to assisting the County's low and moderate income citizens in meeting essential housing needs; and

WHEREAS, the rental subsidy programs funded and administered through the U.S. Department of Housing and Urban Development and the Virginia Housing Development Authority provide annual outside funding that assists eligible County citizens;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of June, 2001, that the County Administrator be, and he is hereby, authorized to accept funding in the amounts offered the County by the Virginia Housing Development Authority (VHDA), execute any necessary grant agreement, contracts of other documents with VHDA and to participate fully in the Section 8 Voucher and Moderate Rehabilitation Rental Subsidy Programs for FY2002, provided that all documents shall be approved as to form by the County Attorney.

Item No. 12. EXTENSION OF NORTH BEACH ROAD: Resolution R01-105.

A RESOLUTION TO EXTEND NORTH BEACH ROAD TO INCLUDE THE UNIMPROVED PORTION OF WATERVIEW ROAD

WHEREAS, Computer Support Services has petitioned the County of York to extend North Beach Road from Waterview Road (State Route 631) to the existing portion of North Beach Road; and

WHEREAS, North Beach Road will intersect at State Route 631 where the new street sign will be placed and visible from the road; and

WHEREAS, the new placement of the street sign may improve emergency response time as well as decrease the potential for mail and service delivery problems; and

WHEREAS, the sole property owner affected by this road name extension, Mr. Robert Fowler, is in full support of this initiative; and

WHEREAS, Section 20.5-79(d), Subdivision Ordinance, York County Code, provides that names of recorded streets shall be changed only by resolution of the Board of Supervisors; and

WHEREAS, the proposed street name has been determined to be acceptable relative to applicable provisions of the York County Subdivision Ordinance;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 19th day of June, 2001, that it does hereby extend North Beach Road to include the unimproved portion of Waterview Road.

BE IT FURTHER RESOLVED that the County Administrator be, and is hereby, authorized to transmit said approval to all affected property owners on North Beach Road, various County departments, the postmaster, public utilities, and private companies that may have an interest in this road name extension.

CLOSED MEETING. At 10:27 p.m. Mr. Wiggins moved that the meeting be convened in Closed Meeting pursuant to Section 2.1-344(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions; and Section 2.1-344(a)(3) of the Code of Virginia pertaining to the acquisition of real property for a public purpose.

On roll call the vote was:

Yea: (5) Ashe, Zaremba, Noll, Wiggins, Burgett
Nay: (0)

Meeting Reconvened. At 10:45 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Wiggins moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED MEET-
ING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of June, 2001, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2)

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only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Ashe, Burgett
Nay: (0)

Meeting Adjourned. At 10:47 p.m. Chairman Burgett declared the meeting adjourned to 6:00 p.m., Tuesday, June 26, 2001, in the East Room, York Hall, for the purpose of conducting a work session.

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors